

By: Dutton

H.B. No. 103

Substitute the following for H.B. No. 103:

By: King of Parker

C.S.H.B. No. 103

A BILL TO BE ENTITLED

AN ACT

relating to certain body cavity searches conducted by a peace officer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 18.24, Code of Criminal Procedure, is amended to read as follows:

Art. 18.24. BODY CAVITY SEARCH OF CERTAIN PERSONS [~~DURING TRAFFIC STOP~~]. (a) In this article:

(1) "Body [~~body~~]" cavity search" means an inspection that is conducted of a person's anal or vaginal cavity in any manner [~~but the term does not include a pat-down~~].

(2) "Penal institution" means a confinement facility operated by or under a contract with any division of the Texas Department of Criminal Justice, a confinement facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile secure pre-adjudication or post-adjudication facility operated by or under a local juvenile probation department, or a county or municipal jail.

(3) "Place of detention" means a police station or other building that is a place of operation for a law enforcement agency, including a municipal police department or county sheriff's department, and is owned or operated by the law enforcement agency for the purpose of detaining persons in connection with the suspected violation of a penal law.

(b) Notwithstanding any other law, a peace officer may not conduct a body cavity search of a person other than a person confined in or committed to a penal institution or held in a place of detention ~~[during a traffic stop]~~ unless the officer first obtains a search warrant pursuant to this chapter authorizing the body cavity search.

SECTION 2. This Act takes effect September 1, 2017.